

Version
as at 1 July 2022



Reserves and Other Lands Disposal Act 2015

Public Act 2015 No 84
Date of assent 22 September 2015
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Land Information New Zealand.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Reserves and Other Lands Disposal Act 2015.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

3 Act binds the Crown

This Act binds the Crown.

4 Entries in registers

The Registrar-General of Land is authorised and directed to make entries in the appropriate registers and to do any other things necessary to give effect to this Act.

Part 2

Land dealings

Auckland Art Gallery development

5 Interpretation

- (1) In sections 6, 7, and 8, **Albert Park** means the land described in the first paragraph of Schedule 1 of the Auckland Improvement Trust Act 1971.
- (2) In section 8,—

Auckland Art Gallery land means the land comprising 3 645 square metres, being Allotment 14 Section 13 City of Auckland, and being all of the land described in computer freehold register NA14B/1135

excluded land means the land described as sections 2 and 3 on SO Plan 374931.

6 Background

- (1) The Auckland Art Gallery is sited on land vested in Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland). Regional Facilities Auckland is a council-controlled organisation of the Auckland Council.
- (2) The Auckland Art Gallery is also sited over part of the reserve known as Albert Park. Albert Park is vested in fee simple in the Auckland Council (as the current local authority for Auckland) under the Auckland Improvement Trust Act 1971.
- (3) For ease of administration, Auckland Council wishes to amalgamate into one land title the land on which the Auckland Art Gallery is sited. However, the Auckland Improvement Trust Act 1971 prohibits the alienation of the whole or any part of Albert Park.

7 Auckland Improvement Trust Act 1971 amended

The first paragraph in Schedule 1 of the Auckland Improvement Trust Act 1971 is amended by inserting “but excluding any land described in this paragraph or the eleventh paragraph that is included as sections 2 and 3 on SO Plan 374931” after “described in this schedule)”.

8 Amalgamation of excluded land with Auckland Art Gallery land

- (1) The excluded land is vested in Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland) to be held in trust for the purposes of encouraging, fostering, and promoting the practice and appreciation of, and public interest in, the arts and culture.
- (2) The excluded land is then amalgamated with the Auckland Art Gallery land.
- (3) The Registrar-General of Land must—
 - (a) create a single computer register for the amalgamated land in the name of Regional Facilities Auckland Limited; and
 - (b) record on the register that the land is held in trust for the purposes of encouraging, fostering, and promoting the practice and appreciation of, and public interest in, the arts and culture.
- (4) For the avoidance of doubt, as from the commencement of this Act, the excluded land—
 - (a) is no longer part of Albert Park; and
 - (b) is no longer reserve or part of a reserve under the Reserves Act 1977.

Dunedin Octagon land

9 Interpretation

In section 10, **Octagon land** means the land secondly described in section 2(5) of the Reserves and Other Lands Disposal Act 1957 (being the land in Dunedin City commonly known as the Octagon).

10 Background

- (1) Section 2 of the Reserves and Other Lands Disposal Act 1957 vested the Octagon land in the Corporation of the City of Dunedin (now Dunedin City Council) in trust as a reserve for a site for a public garden subject to—
 - (a) the Reserves and Domains Act 1953; and
 - (b) the condition that no buildings or erections other than those existing on the land as at 24 October 1957 be placed on the land (that date being the commencement date of the Reserves and Other Lands Disposal Act 1957).
- (2) Dunedin City Council wishes to remove the restriction on the erection of structures on the Octagon land.

11 Proviso to section 2(2) of Reserves and Other Lands Disposal Act 1957 repealed

The proviso to section 2(2) of the Reserves and Other Lands Disposal Act 1957 is repealed.

Kahurangi National Park land

12 Interpretation

In sections 13 and 14, **Kahurangi land** means the land—

- (a) comprising 2.5581 hectares being sections 2, 3, 4, 9, 11, 15, 25, 31, 33, 34, and 36 SO Plan 317559; and
- (b) comprising 1 517 square metres being sections 10 and 11 SO Plan 357450.

13 Background

- (1) The Kahurangi land was declared to be part of the Kahurangi National Park by the Kahurangi National Park Order 1996 (*Gazette* 1996, p 977).
- (2) However, the Kahurangi land is now used as part of State Highway 6.

14 Kahurangi land declared road

- (1) The Kahurangi land is excluded from Kahurangi National Park.
- (2) The Kahurangi land is declared to be road.

- (3) The declaration under subsection (2) must be treated as if it had been made under section 114 of the Public Works Act 1981 and the requirements of that section had been satisfied.

Mahinepua Bay reserve land

15 Interpretation

In sections 16 and 17,—

Mahinepua Bay reserve land means the land comprising 0.4265 hectares being section 1 SO Plan 404862

trustees means the trustees of the Mahinepua B1 Māori Reservation.

16 Background

- (1) The Mahinepua Bay reserve land forms part of the bed of Mahinepua Bay. The land, formed by accretion, is a narrow spit just above mean high water mark.
- (2) In 1995, the Mahinepua Bay reserve land was declared a local purpose (esplanade) reserve under the Reserves Act 1977 (*Gazette* 1995, p 1911). In accordance with a notice in the *Gazette* (2005, p 1807), it is currently administered by the trustees of the adjoining Māori reservation, Mahinepua B1 Block, known as the Mahinepua B1 Māori Reservation.
- (3) The local community (including local Members of Parliament, local authorities, iwi, local hapū, community representatives, and the trustees) wish the Mahinepua Bay land to be a Māori reservation for esplanade purposes for the common use and benefit of the people of New Zealand.

17 Mahinepua Bay reserve land set apart as Māori reservation

- (1) The reservation of the Mahinepua Bay reserve land as a local purpose (esplanade) reserve subject to the Reserves Act 1977 is revoked.
- (2) The Mahinepua Bay reserve land is then set apart as a Māori reservation (esplanade purposes).
- (3) The Mahinepua Bay reserve land then vests in the trustees in trust to hold and administer the land for the common use and benefit of the people of New Zealand.
- (4) For the avoidance of doubt, the vesting of the Mahinepua Bay reserve land under subsection (3) is not a disposition of land by the Crown for the purposes of Part 4A of the Conservation Act 1987.
- (5) The setting apart of the Mahinepua Bay reserve land as a Māori reservation under subsection (2) must be treated as if it had been made under Part 17 of Te Ture Whenua Maori Act 1993 and the requirements of that Part of that Act had been satisfied.
- (6) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation under subsection (1) of the reserve status of the Mahinepua Bay reserve land.

Health New Zealand

Heading: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

18 Interpretation

In sections 19 to 23,—

Braemar Hospital Site A means the 1.2282 hectares of land contained in computer freehold register NL11A/200

Braemar Hospital Site B means the 0.4940 hectares of land contained in computer freehold register NL146/55

Braemar Hospital Site C means the 1.1094 hectares of land contained in computer freehold register NL5D/139

French Pass District Nursing Property means the 0.0562 hectares of land—

- (a) contained in computer freehold register NL1A/1326; and
- (b) formerly contained in certificate of title 106/99 (Nelson Registry); and
- (c) held in trust for hospital purposes pursuant to the Reserves and Domains Act 1953.

19 Background

- (1) Health New Zealand holds the fee simple title to the French Pass District Nursing Property and the Braemar Hospital Sites A, B, and C.
- (2) In order to better use these properties to provide health and disability support services to its community, and to regularise the uses to which the properties are put, Health New Zealand wishes to remove any references on the titles to a requirement that the land concerned be—
 - (a) used for hospital purposes; or
 - (b) held in trust for hospital or any other purposes; or
 - (c) held in trust without a power of sale; or
 - (d) an endowment; or
 - (e) subject to the Reserves Act 1977 or its predecessors.

Section 19(1): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 19(2): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

20 French Pass District Nursing Property freed of trust and reservation

- (1) The trust for hospital purposes affecting the French Pass District Nursing Property is cancelled.
- (2) The reservation of the French Pass District Nursing Property as reserve under the Reserves and Domains Act 1953 is revoked.

- (3) The revocation of status under subsection (2) must be treated as if—
 - (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.

21 Braemar Hospital Site A freed of endowment and reservation

- (1) The endowment affecting the Braemar Hospital Site A is cancelled.
- (2) The reservation of the Braemar Hospital Site A as reserve under the Reserves Act 1977 is revoked.
- (3) The revocation of status under subsection (2) must be treated as if—
 - (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.

22 Braemar Hospital Site B freed of trust and reservation

- (1) The trust without power of sale affecting the Braemar Hospital Site B is cancelled.
- (2) The reservation of the Braemar Hospital Site B as reserve for the purpose of a hospital under the Reserves Act 1977 is revoked.
- (3) The revocation of status under subsection (2) must be treated as if—
 - (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.

23 Braemar Hospital Site C freed of trust and reservation

- (1) The trust affecting the Braemar Hospital Site C is cancelled.
- (2) The reservation of the Braemar Hospital Site C as reserve for hospital purposes under the Reserves Act 1977 is revoked.
- (3) The revocation of status under subsection (2) must be treated as if—
 - (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.

Paparoa National Park land

24 Interpretation

In sections 25 and 26, **Paparoa land** means the land comprising 666 square metres shown as Area A on SO Plan 12622.

25 Background

- (1) The Paparoa land was declared to be part of the Paparoa National Park by the Paparoa National Park Order 1987 (*Gazette* 1987, p 5361).
- (2) However, the Paparoa land is now used as part of State Highway 6.

26 Paparoa land declared road

- (1) The Paparoa land is excluded from Paparoa National Park.
- (2) The Paparoa land is declared to be road.
- (3) The declaration under subsection (2) must be treated as if it had been made under section 114 of the Public Works Act 1981 and the requirements of that section had been satisfied.

Port Chalmers Recreation Reserve

27 Interpretation

In sections 28 to 30,—

Bowling Club lease means the lease referred to in section 28(2)

Reserve means the reserve known as Port Chalmers Recreation Reserve (being the land in computer freehold registers 358133 and 360774).

28 Background

- (1) Under section 45 and Schedule 10 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901, the Crown granted the Reserve to Port Chalmers Borough Corporation in trust as a domain with the restriction that the land not be sold or leased.
- (2) Despite this prohibition, a lease, dated 15 August 2001, was granted to the Port Chalmers Bowling Club Incorporated over part of the Reserve.
- (3) Currently, the Reserve is—
 - (a) vested in the Dunedin City Council as a recreation reserve under the Reserves Act 1977; and
 - (b) subject to (amongst other things)—
 - (i) that Act; and
 - (ii) the restriction on its sale or lease under section 45 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901.

- (4) The Dunedin City Council wishes to repeal section 45 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901 and manage and administer the Reserve subject only to the provisions of the Reserves Act 1977. This would allow the Council to—
- (a) regularise the Bowling Club lease; and
 - (b) lawfully enter into new leasing arrangements for the Reserve.

29 Section 45 of Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901 repealed

Section 45 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901 is repealed.

30 Validation of Bowling Club lease

The Bowling Club lease is valid and has always been valid.

Taiari Airport land

31 Background

- (1) Amongst other things, section 9 of the Reserves and Other Lands Disposal Act 1973 empowered the Dunedin City Council (previously the Dunedin City Corporation) to subdivide, develop, lease, and sell the land comprising the Taiari Airport subject to the requirement that as long as any parts of the land were still required for the purposes of an aerodrome, the Corporation was to continue to hold the land for those purposes.
- (2) The Dunedin City Council now wishes to transfer to a community trust some of the land that is still required for the purposes of an aerodrome.

32 Reserves and Other Lands Disposal Act 1973 amended

Section 9 of the Reserves and Other Lands Disposal Act 1973 is amended by inserting the following subsections after subsection (2):

- (2A) Despite subsection (2), the Dunedin City Corporation (now the Dunedin City Council) may transfer the 38.2691 hectares of land described in computer freehold register OT2C/1307 (being Lot 1 on Deposited Plan 11036) to the community trust known as the Taiari Airport Trust. However, if the Taiari Airport Trust sells the land, it must pay half the net proceeds of the sale into a Crown Bank Account.
- (2B) In subsection (2A), **net proceeds** means the amount remaining after any expenses incurred by the Taiari Airport Trust from the sale of the land (including any expenses in relation to any subdivision and development of the land) have been deducted.
- (2C) The Dunedin City Council must obtain the written consent of the Minister of Transport before acting under subsection (2A).

Waikumete cemetery land

33 Interpretation

In sections 34 and 35, **Waikumete cemetery land** means the land comprising 4.11229 hectares being—

- (a) Lots 1 to 5, 7 to 23, 25, 26, and 29 DP 167393 (residential sections); and
- (b) Lots 55, 59, and 60 DP 167393 (road or accessway); and
- (c) Lots 1 and 2 DP 173686 (residential sections); and
- (d) Lots 30 to 40 and 42 to 54 DP 175401 (residential sections); and
- (e) Lots 1 and 2 DP 181743 (residential sections); and
- (f) Lots 1 to 3 DP 182710 (residential sections); and
- (g) Lots 1 to 3 DP 185409 (residential sections).

34 Background

- (1) The Waikumete cemetery land is a part of Waikumete Cemetery.
- (2) Waikumete Cemetery is Crown land classified as a local purpose (site for cemetery) reserve under the Reserves Act 1977. The cemetery is currently vested in the Auckland Council, in trust, for cemetery purposes.
- (3) In 1995, the Waitakere City Council, without lawful authority, disposed of the Waikumete cemetery land to a local authority trading enterprise.
- (4) The local authority trading enterprise in turn subdivided the Waikumete cemetery land and sold it to private owners as fee simple titles. Most of the land is now developed with residential buildings erected on it.
- (5) However, because the titles to the Waikumete cemetery land were created by an invalid process, and contrary to section 112 of the Reserves Act 1977, the land retains its reserve status and remains subject to that Act.

35 Reserve status of Waikumete cemetery land revoked

- (1) The reservation of the Waikumete cemetery land as a reserve for local purpose (site for cemetery) is revoked.
- (2) The revocation of status under subsection (1) must be treated as if—
 - (a) it occurred under section 24 of the Reserves Act 1977; and
 - (b) the requirements of that section were satisfied; and
 - (c) section 25 of the Reserves Act 1977 does not apply to the land to which the revocation relates.
- (3) The dealings referred to in section 34(4) are valid and have always been valid despite section 112 of the Reserves Act 1977.

*Waipa District Council land***36 Interpretation**

In sections 37 and 38, **trust land** means the land comprising 203.7996 hectares contained in computer freehold register 78214 (being sections 23 and 26, Block VII, Pirongia Survey District).

37 Background

- (1) On 9 June 1942, Te Awamutu Borough Council, Otorohanga County Council, Hamilton Borough Council, Raglan County Council, and Waipa County Council entered into an agreement to purchase the Government interest in the trust land, with Te Awamutu Borough Council holding the land in trust for itself and the other councils for afforestation and water conservation purposes and as a scenic reserve. This agreement was validated by section 10 of the Reserves and other Lands Disposal Act 1942 and vesting notices published in the *Gazette* (1958, pp 1240, 1315).
- (2) On 15 July 1960, Raglan County Council withdrew from the agreement and a supplementary agreement was signed by the remaining parties to reflect this change. This agreement was also validated in legislation, by section 14 of the Reserves and Other Lands Disposal Act 1960.
- (3) Changes to local government organisation in 1970 and 1989 and arrangements between the councils again altered the parties to the original agreement so that, by 2003, the legal and beneficial interest in the trust land resided solely with the Waipa District Council. In addition, the purpose of the reserve had changed from afforestation, water conservation, and scenic purposes to a reserve for afforestation and water conservation purposes (*Gazette* 1973, p 360).
- (4) Waipa District Council now wishes to have the trusts cancelled and the reference to them on the computer register in respect of the trust land removed.

38 Trust land freed of trusts

- (1) The trusts affecting the trust land are removed.
- (2) Despite subsection (1), the trust land continues to be reserve subject to the Reserves Act 1977.

*Westland National Park land***39 Interpretation**

In sections 40 and 41, **Westland land** means the land comprising—

- (a) 573 square metres shown as area D on SO Plan 11246; and
- (b) 1 145 square metres being section 4 SO Plan 349493.

40 Background

- (1) The Westland land is part of the Westland National Park declared by section 6(1)(i) of the National Parks Act 1980 to be a national park under and subject to the provisions of that Act.
- (2) However, the Westland land is now used as part of State Highway 6.

41 Westland land declared road

- (1) The Westland land is excluded from Westland National Park.
- (2) The Westland land is declared to be road.
- (3) The declaration under subsection (2) must be treated as if it had been made under section 114 of the Public Works Act 1981 and the requirements of that section had been satisfied.

Winton Racecourse

42 Background

- (1) The Winton Racecourse Reserve Management Ordinance 1873—
 - (a) appoints, for life, 3 trustees for the Winton Racecourse; and
 - (b) provides for their replacement by (through devolution of responsibility) the Minister of Conservation.
- (2) So as to enable wider community and independent input into the racecourse, the Department of Conservation wishes to enable the Minister of Conservation to appoint up to 5 trustees at any one time for the racecourse, and to limit each appointment to a 3-year period.

43 Winton Racecourse Reserve Management Ordinance 1873 amended

Section 3 of the Winton Racecourse Reserve Management Ordinance 1873 is repealed and the following section substituted:

3 Power to appoint and remove trustees

- (1) The Minister of Conservation must appoint, by notice in the *Gazette*, not fewer than 3 but no more than 5 persons as trustees of the Winton Racecourse.
- (2) A trustee—
 - (a) must be appointed for a term not exceeding 3 years; and
 - (b) may be reappointed any number of times; and
 - (c) may be removed from office by the Minister, by written notice, for inability to perform the functions of office, legal incapacity, neglect of duty, or misconduct, proved to the satisfaction of the Minister; and
 - (d) may at any time resign office by written notice to the Minister; and

- (e) remains in office, despite the expiry of his or her term of office, until a successor is appointed (unless he or she resigns or is removed from office).

44 Transitional provision

- (1) This section applies to a person who is a trustee of the Winton Racecourse immediately before the commencement of this Act.
- (2) As from the commencement of this Act, the person must be treated as if he or she were appointed as a trustee under section 3 of the Winton Racecourse Reserve Management Ordinance 1873 (as amended by section 43 of this Act) as from that commencement date.

Notes

1 *General*

This is a consolidation of the Reserves and Other Lands Disposal Act 2015 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104